

REMARKS

The Final Office Action dated February 22, 2006 has been carefully reviewed. Claims 10-31 are pending in this patent application. By this amendment, claims 10-26 and 31 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

Claims 13, 21, and 27 were indicated as being allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claim. However, such rewriting has not done since Applicant believes the amended claims from which these claims depend are themselves allowable.

35 U.S.C. § 112 Rejection

Claims 10-25 were rejected under 35 U.S.C. § 112 as being indefinite. In particular, the examiner was unsure if applicant is claiming the combination of the support assembly and the hand-held power tool or the subcombination of the support assembly only. Such claims have been amended to move the power tool language from the preamble to the body of the claim to address the examiner's concerns. As amended, claims 10-25 are believed to be in proper form.

35 U.S.C. § 103 Rejection

Claims 10-12, 14-20, 22-26, and 28-31 were rejected under 35 U.S.C. § 103 as being unpatentable over Sanders (U.S. Patent No. 4,445,811) or Zelik (U.S. Patent No. 3,447,001) in view of Seely et al. (U.S. Patent No. 3,811,361). Claims 10-12, 14-20, 22-26, and 31 have been amended to more clearly define the invention. Reconsideration of claims 10-12, 14-20, 22-26, and 28-31, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 10

Amended claim 10 recites, inter alia, the following:

10. An assembly, comprising:
a hand-held power tool including (i) a housing having an exterior threaded portion, and (ii) a drive spindle; and
a support apparatus including:

...

a carriage movable in relation to said vertical support member, said carriage having a receptacle ... ; and

a nut rotatably secured to said receptacle, said nut defining an internally threaded bore extending therethrough, ..., and further said exterior threaded portion of said housing of said hand-held power tool being threadingly received within said internally threaded bore defined by said nut.

In contrast, none of Sanders, Zelik, and Seely discloses a nut that is rotatably secured to a receptacle of a carriage wherein the nut also defines an internally threaded bore that threading receives an exterior threaded portion of a housing of a hand-held power tool as required by Applicant's invention of claim 10. As the examiner pointed out in the Office Action (at page 3, lines 8-9), Sanders and Zelik do not teach a nut defining an internally threaded bore that is rotatably supported in relation to the receptacle of a carriage. Furthermore, the

internally threaded nut 38 of Seely (see Fig. 4) is clearly not rotatably secured to a receptacle of a carriage as required by claim 10. Rather, the nut 38 is secured to the spindle of the power tool. (See, e.g., Seely at column 2, lines 5-9; and FIGS. 5-8.)

Thus, even if it would have been obvious to combine Sanders, Zelik, and Seely as proposed, the resulting combination would not arrive at the invention of claim 10. Significantly, the resulting combination would not arrive at a system that would include a nut that is rotatably secured to a receptacle of a carriage wherein the nut also defines an internally threaded bore that threading receives an exterior threaded portion of a housing of a power tool. Accordingly, Sanders, Zelik, and Seely cannot be combined to establish a prima facie case of obviousness under 35 U.S.C. § 103 with regard to the invention of amended claim 10.

If the rejection of amended claim 10 is maintained after considering the above amendments and remarks, the Examiner is respectfully requested to identify what elements of the Sanders, Zelik, and Seely are being equated with the following limitations recited in amended claim 10: “base”, “vertical support member”, “carriage”, “receptacle”, “housing” of hand-held power tool, “spindle” of hand-held power tool, and “exterior threaded portion” of housing of hand-held power tool.

Discussion Regarding Patentability of Claims 11-19

Each of claims 11-19 depends directly or indirectly from amended claim 10. As a result, each of claims 11-19 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 10.

Discussion Regarding Patentability of Amended Claim 20

The discussion relating to the patentability of amended claim 10 is relevant to the patentability of amended claim 20. Thus, amended claim 20 is believed to be allowable over Sanders, Zelik, and Seely.

Discussion Regarding Patentability of Claims 21-25

Each of claims 21-25 depends directly or indirectly from amended claim 20. As a result, each of claims 21-25 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 20.

Discussion Regarding Patentability of Amended Claim 26

The discussion relating to the patentability of amended claim 10 is relevant to the patentability of amended claim 26. Thus, amended claim 26 is believed to be allowable over Sanders, Zelik, and Seely.

Discussion Regarding Patentability of Claims 27-31

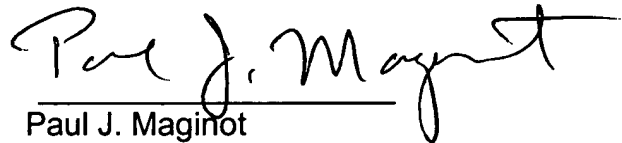
Each of claims 27-31 depends directly or indirectly from amended claim 26. As a result, each of claims 27-31 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 26.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK

A handwritten signature in cursive script, reading "Paul J. Maginot". The signature is written in dark ink and is positioned above a horizontal line.

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